

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

GARCIA FELIZ MALDONADO,

Plaintiff,

v.

CIVIL ACTION NO. 5:21-cv-00514

MICHAEL D. CARVAJAL, *Director of BOP*,
J.C. PETRUCC, *Regional Director*,
D.L. YOUNG, *Warden of FCI Beckley*, and
J. BALL, *Case Manager*,

Defendants.

ORDER

Pending is Defendants’ Motion to Dismiss, or in the Alternative, Motion for Summary Judgment, filed April 28, 2022. [Doc. 32]. This action was previously referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission of proposed findings and a recommendation (“PF&R”). Magistrate Judge Aboulhosn filed his PF&R on October 28, 2022. Magistrate Judge Aboulhosn recommended that the Court dismiss this action with prejudice for failure to prosecute and deny Defendants’ Motion as moot.

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C. § 636(b)(1) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made*.” (emphasis added)). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner’s right to appeal the Court’s order. *See* 28 U.S.C. § 636(b)(1); *see also United States v. De Leon-*


Ramirez, 925 F.3d 177, 181 (4th Cir. 2019) (Parties may not typically “appeal a magistrate judge’s findings that were not objected to below, as § 636(b) doesn’t require de novo review absent objection.”); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on November 14, 2022. No objections were filed.

Accordingly, the Court **ADOPTS** the PF&R [**Doc. 40**], **DENIES AS MOOT** Defendants’ Motion to Dismiss, or in the Alternative, for Summary Judgment [**Doc. 32**], and **DISMISSES** the matter.

The Court directs the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party.

ENTER: November 28, 2022




Frank W. Volk
United States District Judge